

Anno Regni
G E O R G I I
R E G I S

Magnæ Britannia, Francia, & Hibernia,
U N D E C I M O.

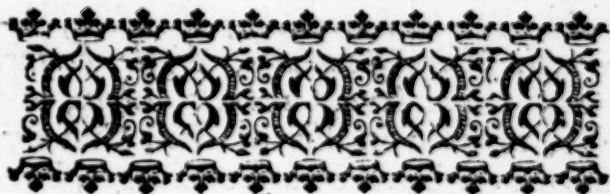
At the Parliament Begun and Holden at
Westminster, the Ninth Day of *October*,
Anno Dom. 1722. In the Ninth Year
of the Reign of our Sovereign Lord
GEORGE, by the Grace of God, of
Great Britain, France, and Ireland, King,
Defender of the Faith, &c.

And from thence Continued by several Prorogations to the Twelfth
Day of *November*, 1724. Being the Third Session of this present
Parliament.



E D I N B U R G H,

Printed by *John Baskett*, Printer to the King's
most Excellent Majesty. 1725.



Anno Undecimo

GEORGII Regis.

*An ACT for more effectual Disarming
the Highlands in that Part of Great
Britain called Scotland; and for the
better securing the Peace and Quiet of
that Part of the Kingdom.*

WHEREAS, by an Act made Preamble,
reciting the
Act 1 Geo.
in the First Year of His Ma-
jesty's Reign, Intituled, *An
Act for the more effectual Se-
curing the Peace of the Highlands in
Scotland, it was Enacted, That, from
and after the First Day of Novem-
ber, which was in the Year of our Lord
One thousand seven hundred and sixteen,
it should not be lawful for any Person or
Persons (except only such Persons, as
are therein mentioned and described)
within the Shires of Dunbartain, on the
North Side of the Water of Leven Stir-
ling,*

ling, on the North Side of the River of Forth, Perth, Kincairdin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Bamff, Sutherland, Caithness, Elgin, and Ross, to have in his or their Custody, use or bear Broad Sword or Target, Poy-nard, Whingar or Durk, Side Pistol or Side Pistols, or Gun, or any other War-like Weapons, in the Fields, or in the Way coming or going to, from, or at any Church, Market, Fair, Burials, Huntings, Meetings, or any other Occasion whatsoever, within the Bounds aforesaid, or to come into the Low Countries armed as aforesaid: And in case any of the said Person or Persons above described should have in his Custody, use or bear Arms, otherwise than in the said Act was directed, every such Person or Persons so offending, being thereof lawfully convicted before One or more Justices of the Peace, or before any other Judge Competent of the Place summarily, should, for the First Offence, forfeit all such Arms, and be liable to a Fine not exceeding Forty Pounds *Sterling*, and not under Five Pounds *Sterling*, and to be imprisoned till Payment of the said Fine, which, if not instantly paid after Commitment, the said Fine might and should be levied out of the Offenders Goods and Estate, by Warrant of the Judge, who should pronounce any such Sentence, to be applied in such
Man-

Manner, as by the said Act was directed, and the Offender should be further liable to a Months Imprisonment; and, being convicted for a Second Offence, before the Court of Justiciary, or before the Judges at their Circuits, should forfeit such Arms, and be liable to a Fine not exceeding Eighty Pounds *Sterling*, nor under Ten Pounds *Sterling*; and for every subsequent Offence, to a Fine the Double of the former, to be levied and applied, as by the said Act is directed; and that, for the want of Payment of any such Fine, or a sufficient Distress to satisfy the Payment of it, the Offender should be liable to be Transported to any of His Majesty's Plantations beyond the Seas, there to remain for the Space of Seven Years, as by the said Act, relation being thereunto had, may at large appear. And whereas, notwithstanding the said recited Act, many Persons within the said several Shires and Bounds still continue possessed of great Quantities of Arms and Warlike Weapons, which they use and bear as formerly, and therewith, in Contempt and Defiance of the Laws of the Kingdom, commit many Robberies and Depredations, oppose the due Execution of Justice against Robbers, Outlaws, and Persons Attainted of High Treason for the late unnatural Rebellion; and collect, for their own Use, the Rents of Estates forfeited by such

Attainted Persons, and belonging to the Publick, to the Dishonour of the Government, and the Terror and great Loss of His Majesty's faithful Subjects inhabiting in that Part of the Kingdom: Now, for putting a Stop to the said present Mischiefs, and for preventing the like in Time to come, Be it Enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from Time to Time, and at all Times hereafter, it shall and may be lawful to and for the Lord Lieutenant of every one of the said Shires, or to and for any such other Person or Persons, as His Majesty, His Heirs or Successors, shall, by his or their Sign Manual, from Time to Time, think fit to authorize and appoint in that Behalf, to cause Letters or Summons to be issued in his Majesty's Name, and under his or their respective Hands and Seals, directed to such of the Clans and Persons within the said several Shires and Bounds, as he or they, from Time to Time, shall think fit, thereby commanding and requiring all and every Person and Persons of or belonging to such Clan or Clans, and all and every such other Persons therein named, inhabiting within the particular Limits therein described, on

Lords Lieutenants in the Highlands, or others deputed under the Sign Manual,

May summon the Clans to bring in their Arms at a Place appointed.

a certain Day in such Summons prefixed, to bring in and deliver up, at a certain Place in such Summons also to be mentioned, all and singular his and their Arms and Warlike Weapons unto such Lord Lieutenant, or other Person or Persons authorized and appointed by His Majesty, His Heirs or Successors, in that Behalf, as aforesaid, for the Use of His Majesty, His Heirs and Successors, and to be by him or them disposed of in such Manner, as His Majesty, His Heirs and Successors shall afterwards appoint; and if, at any Time after the Day in such Summons prefixed, any Person or Persons belonging to the Clan or Clans in such Summons named, or any other Person or Persons aforesaid in such Summons mentioned, shall, by the Oath of any Two or more credible Witnesses, be Convicted before any Two or more of His Majesty's Justices of the Peace for the Shire or Stewartry, where such Offender or Offenders reside, or is or are apprehended of having or bearing any Arms or Warlike Weapons after the Day prefixed in such Summons, such Person or Persons, being so Convicted as aforesaid, shall and may, by Warrant under the Hands and Seals of such Justices of the Peace, be forthwith committed to such safe Custody, as in the said Warrant shall be expressed, to be there kept and detained without Bail, until the said

On bearing Arms afterwards to be delivered over to serve as Soldiers in His Majesty's Dominions beyond Sea.

Justices of the Peace shall cause him or them to be delivered over (as they are hereby respectively impowered and required to do) unto such Officer or Officers belonging to the Forces of His Majesty, His Heirs and Successors, as shall be appointed, from Time to Time, to receive such Men, within every such Shire or Place respectively, to serve as Soldiers in any Part of His Majesty's Dominions beyond the Seas, for which Purpose the respective Officers, who shall receive such Men, shall then cause the Articles of War against Mutiny and Desertion to be read to him or them in the Presence of such Persons, as shall so deliver over such Men unto such Officers respectively, who shall cause an Entry or Memorial thereof to be made, together with the Names of the Persons so delivered over, and a Certificate thereof in Writing under their Hands and Seals, to be delivered to the Officers appointed to receive such Men; and, from and after reading the said Articles of War, every Person so delivered over to such Officer, to serve as a Soldier in His Majesty's Dominions beyond the Seas, shall be deemed a listed Soldier to all Intents and Purposes, and shall be subject to the Discipline of War, and in case of Desertion shall be punished as a Deserter.

And

And because divers evil minded Persons may take upon them, in Disobedience to this present Act, to hide and conceal the Arms, which they are commanded to deliver up, in Hopes of escaping the Punishment due to their Offence, from the Difficulty of bringing Proof that the Arms were, so hidden and concealed by them, Be it therefore Enacted by the Authority aforesaid, That if, after the Days severally to be prefixed for delivering up of Arms, in Execution of this Act, any Arms or warlike Weapons whatsoever shall be found hidden or concealed in any Dwelling-House, Barn, Office, House, Out-house, or any other House whatsoever, within the Limits summoned to deliver up Arms, as aforesaid, the Tenant or Possessor of such Dwelling-House, and to whose Possession such Barn, Office, House, Outhouse, or other House belongs, shall be deemed and taken to be the Haver of such concealed Arms, in Contempt of this present Act, and, being thereof convicted in manner above mentioned, shall, if a Man, suffer the Penalties hereby above enacted; and if the Tenant or Possessor of such House, where Arms are so found, shall be a Woman, she, being thereof convicted in manner above-mentioned, shall, by Warrant of the Justices of the Peace, before whom she shall be so convicted, suffer

If Arms be
found hid-
den in these
Limits, the
Possessors,
if a Man,
shall suffer
the said Pe-
nalties:

If a Woman, shall be imprisoned for Two Years, and Fined, not exceeding 100 l.

Accessaries.

suffer Imprisonment for the Space of Two Years, within the *Tollboth* of the Head Burgh of the Shire or Stewartry, in which she shall be convicted, and shall be further liable to be fined by the said Justices of the Peace, according to their Discretion, in any Sum not exceeding One hundred Pounds, lawful Money of *Great Britain*, unless such Tenant or Possessor, in whose House, Barn, Office, House, Outhouse, or other House by them possessed, such Arms shall be found concealed, do give sufficient Evidence to the Satisfaction of the said Justices of the Peace, before whom he or she shall be tryed, that such Arms were so hid and concealed without his or her Connivance, Privy, or Knowledge; and if any Person or Persons whatsoever shall be accessary or privy to the hiding or concealing such Arms in the Fields, or in any other Place whatsoever, he, she, or they, being thereof lawfully convicted before any Two or more Justices of the Peace, as aforesaid, shall suffer the Penalties respectively above enacted.

And to the Intent that all and every Clan and Clans, and other Person and Persons, named, described, or concerned in such Summons, may have due Notice thereof, and to prevent all Questions concerning the Legality of such Notice, it is hereby further Enacted
by

[II]

by the Authority aforesaid, That such Summons shall, notwithstanding the Generality thereof, be deemed sufficient, if it expresses the Clan or Clans, that are commanded to deliver up their Weapons, or the Lands, Limits and Boundings the Inhabitants whereof are to be disarmed, and that it shall be a sufficient and legal Execution or Notice given of the said Summons, if it is affixed on the Door of the Parish Church or Parish Churches of the several Paroches, within which the Lands, the Inhabitants whereof are to be disarmed, lye, on any Sunday, betwixt the Hours of Ten in the Forenoon and Two in the Afternoon, Four Days at least before the Day prefixed for delivering up the Arms, and on the Market Cross of the Head Burgh of the Shire or Stewartry, within which the said Lands lye, Eight Days before the Day appointed for the said Delivery of the Arms; and in Case the Person or Persons imployed to affix the said Summons on the Doors of the several Parish Churches, or any of them, shall be intercepted, molested, or forcibly hindred to affix the said Summons on the Doors of the said Churches, or any of them, upon Oath made to the Effect aforesaid, before any of his Majesty's Justices of the Peace, the Summons affixed on the Market Cross of the Head Burgh of the Shire

Summons
sufficient, if
it express
the Clan, or
the Limits,
and affixed
on the Pa-
rish Church
Door,

and on the
Market
Cross.

or

or Stewartry, as aforesaid, shall be deemed and taken to be sufficient Notice to all the Persons commanded thereby to deliver up their Arms; and they, upon their Neglect or Disobedience shall suffer, and be liable to the Conviction and Penalties above expressed, in the same manner, as if the Summons had been regularly affixed on the Doors of the several Parish Churches.

Person im-
ployed to
affix the
Summons to
make Oath
that he hath
so done,

or that he
was forcibly
hindred.

And to the End that sufficient Evidence may remain, in all Time to come, of the Execution or Notice given of the Summons for Disarming the several Clans and Districts, as aforesaid, it is further Enacted by the Authority aforesaid, That, upon the Elapsing of the said several Days to be prefixed for delivering up Arms, the Person or Persons employed to affix Copies of the Summons above mentioned, on the Market Cross of the Head Boroughs of any Shire or Stewartry, shall, before any One of His Majesty's Justices of the Peace for the said Shire or Stewartry make Oath, that he or they did truly Execute and give Notice of the same, by affixing it, as aforesaid; and the Person or Persons employed to affix the said Summons on the Doors of the Parish Church or Parish Churches, shall make Oath in the same Manner, and to the same Effect, or otherwise shall swear, That he or they were intercepted,

tercepted, molested, or forcibly hindred,
to affix Copies of the said Summons,
as aforesaid; which Oaths, together
with full Copies or Duplicates of the
Summons, to which they severally re-
late, shall be delivered to the Sheriff
or Stewart Clerk of the several Shires
or Stewartries, within which the Lands,
intended to be disarmed, lye, who shall
enter the same in Books, which he and
they is and are hereby required to keep
for that Purpose; and the said Books,
in which the Entries are so made, or
Extracts out of the same, under the
Hand of the Sheriff or Stewart Clerks,
shall, in all Time to come, be deem-
ed and taken to be full and complete
Evidence of the Execution of the Sum-
mons, in order to the Conviction of
the Persons, who shall neglect or re-
fuse to comply with the same.

Oaths and
Duplicates
of the Sum-
mons to be
entered in
the Sheriffs
Books.

And be it further Enacted, That if
any such Sheriff or Stewart Clerk ne-
glect or refuse to make such Entry, as
is above mentioned, or shall refuse to
exhibit the Books containing such En-
tries, or to give Extracts of the same,
being thereto required by any Person
or Persons, who shall carry on any Pro-
secutions, as aforesaid, the Clerk so ne-
glecting or refusing shall forfeit his Of-
fice, and shall be further liable to a
Fine of One hundred Pounds Sterling,
to be recovered upon a Summary Com-
plaint

Sheriff Clerk
not making
such Entry,
&c. forfeits
his Office
and 100 l.

plaint before the Court of Session, for the Use of His Majesty, His Heirs and Successors.

Lord Lieutenant, &c.
may appoint
Persons to
search for
Arms.

And it is further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Lieutenant of any of the Shires aforesaid, or the Person or Persons authorized by His Majesty, as above mentioned, or for any Two or more Justices of the Peace, by Warrant under his or their Hand and Seal, to authorize and appoint any Person or Persons, whom he or they shall think fit, to Enter into any House or Houses, within the Limits aforesaid, either by Day or by Night, and there to search for and seize all such Arms and Warlike Weapons, as shall be found contrary to the Direction of this Act; Provided, that if the said Search shall be made in the Night-time, between Sun setting and Sun rising, it shall be made in Presence of a Constable, and if any Persons, to the Number of Five or more, shall at any time assemble together to obstruct the Execution of any thing hereby required to be executed, it shall and may be lawful to and for every Lord Lieutenant, Deputy Lieutenant, or Justice of the Peace, where such Assembly shall be, and also to and for every Peace Officer within any such Shire, Stewartry, City, Borough, or Place, where such Assembly shall be, and

On Opposition
on the Forces
to assist.

and likewise to and for all and every such other Person or Persons as by His Majesty, His Heirs and Successors, shall be authorized and appointed in that behalf, as aforesaid, to require the Aid and Assistance of the Forces of His Majesty, His Heirs and Successors, by applying to the Officer Commanding the said Forces, and all other His and Their Loving Subjects (who are hereby authorized, impowered, and commanded to give such Aid and Assistance accordingly) to suppress such Unlawful Assembly, in order to the putting this Act in due Execution, and also to seize, apprehend, and disarm, and they are hereby required to seize, apprehend, and disarm such Persons so assembled together, and forthwith to carry the Persons so apprehended before any one or more of His Majesty's Justices of the Peace of the Shire or Place, where such Persons shall be so apprehended, in order to their being proceeded against, for such their Offences, according to Law; and that if the Persons so Unlawfully assembled, or any of them, or any other Person or Persons summoned to deliver up his or their Arms, in Pursuance of this Act, shall happen to be killed, maimed, or hurt, in the dispersing, seizing, and apprehending, or in the endeavouring to disperse, seize, or apprehend them, by reason of their resisting

All Persons
indemnified
in maiming
or killing
such Oppor-
tunists.

resisting the Persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then all and every such Lord Lieutenants, Deputy Lieutenants, Justice or Justices of the Peace, or any Peace Officer or Officers, and all and every Person and Persons, authorized and appointed by His Majesty, His Heirs or Successors in that behalf, as aforesaid, and all and singular Soldiers and other Persons, being Aiding and Assisting to him, them, or any of them, shall be freed, discharged, and indemnified, as well against the King's Majesty, His Heirs and Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or hurting any such Person or Persons so Unlawfully assembled, that shall be so killed, maimed, or hurt, as aforesaid.

All Courts to
allow Defen-
dants the In-
demnity, &c.

And be it further Enacted by the Authority aforesaid, That if any Action, Civil or Criminal, shall be brought before any Court whatsoever against any Person or Persons for what he or they shall lawfully do in Pursuance or Execution of this Act, such Court shall allow the Defender the Benefit of the Discharge and Indemnity above provided, and shall further Decern the Pursuer to pay to the Defender the full and real Expences, that he shall be put

put to by such Action or Prosecution,
Threefold.

Provided nevertheless, and be it fur-
ther Enacted by the Authority aforesaid,
That no Peers of this Realm, nor their
Sons, nor any Members of Parliament,

No Peers or
Parliament
Men, &c.
liable to be
summoned.

nor any Person or Persons who, by the
Act above recited of the First Year of
His Majesty, were allowed to have or
carry Arms, shall, by Virtue of this
Act, be liable to be summoned to de-
liver up their Arms or Warlike Wea-
pons, nor shall this Act be construed to
extend to exclude or hinder any other
Person, whom His Majesty, His Heirs
or Successors, by Licence under His
or Their Royal Sign Manual, shall per-
mit to wear Arms, or who shall be li-
cenced to wear Arms, by any Writing
or Writings under the Hand and Seal
or Hands and Seals of any Person or
Persons authorized by His Majesty,
His Heirs or Successors, to give such
Licence, from keeping, bearing, or wear-
ing such and so many Arms and War-
like Weapons, as in such Licence or
Licences, or either of them, shall for
that Purpose be particularly specified.

And, to the End that no Person or
Persons intended to be disarmed, may
be discouraged from delivering up their
Weapons, from the Apprehension of the
Penalties and Forfeitures, which they
may have incurred through their ne-

B

glecting

None shall be
sued for bear-
ing Arms be-
fore the Sum-
mons, except
he refuse to
deliver them
up.

glecting to comply with the Directi-
ons of the Act above recited of the
First Year of His Majesty, Entituled,
*An Act for the more effectual Securing the
Peace of the Highlands of Scotland*; Be
it therefore further Enacted, That, from
and after the Time of affixing any such
Summons, as aforesaid, no Person or
Persons, residing within the Bounds
therein mentioned, shall be sued or
prosecuted for his or their having, or
having had, bearing, or having borne
Arms, at any Time before the several
Days to be prefixed or limited by Sum-
mons, as aforesaid, for the respective
Clans and Districts to deliver up their
Arms; but if any Person or Persons
shall refuse or neglect to deliver up their
Arms, in Obedience to such Summons,
as aforesaid, or shall be afterwards
found in Arms, he and they shall be
liable to the Penalties and Forfeitures
of the Statute above recited, as well as
to the Penalties of this present Act.

And, to the Intent that no Person or
Persons whatsoever, who shall be Con-
victed by any Civil Magistrate, or
Court of Judicature, within that Part
of *Great Britain* called *Scotland*, of any
Crime, importing a Capital or any
other Corporal Punishment, may be
grieved by the over hasty Execution
of such Sentence, without allowing
Time for Application to His Majesty,
or

or to His Heirs and Successors, for His or Their gracious Pardon; Be it Enacted by the Authority aforesaid, That, from and after the First Day of *June*, One thousand seven hundred and twenty five, no Sentence or Judgment of any Civil Magistrate, or Court of Judicature, importing a Capital or any Corporal Punishment, if pronounced in *Edinburgh*, or any other Part of *Scotland* to the Southward of the *Frith*, or River of *Forth*, shall be put to Execution within less than Thirty Days after the Date of such Sentence; and if pronounced in any Place to the Northward of the said *Frith*, or River of *Forth*, shall be put to Execution within less than Forty Days after the Date of such Sentence: Provided nevertheless, that nothing herein contained shall hinder or disable the Courts of Judicature, or any other Civil Magistrate within *Scotland*, to commit to Goal, and detain in Custody, in Order to Tryal, or in Order to the Execution of Sentences, as they by Law might have done before the making of this Act.

And whereas it is found by Experience, that the Sums, for which Bail is to be taken on any Criminal Information, in that Part of *Great Britain* called *Scotland*, in pursuance of the Act of Parliament made there in the Year One thousand seven hundred and one,

Times for putting in Execution Sentences importing a Capital or Corporal Punishment.

Magistrates may extend the Bail in Criminal Information to Double the Sums in Act made 1701.

Entituled, *An Act for preventing wrongous Imprisonment, and against undue Delays in Tryals*, are too small and disproportioned to the danger of the Criminals escaping from the Punishment appointed by Law, extending no higher than to the Sum of Six thousand Merks for a Nobleman, Three thousand Merks for a Landed Gentleman, One thousand Merks for any other Gentleman or Burghers, and Three hundred Merks, all Money of *Scotland*, for any other inferior Person; Be it therefore Enacted by the Authority aforesaid, That, from and after the First Day of *June*, One thousand seven hundred and twenty five, it may and shall be lawful to and for all and every Magistrate, Judge, and Court of Judicature within *Scotland*, who, by the said Act above recited, were, in Case of Criminal Informations and Accusations, directed to limit the Bail by them to be taken to the several and respective Sums above mentioned, to extend the Bail to be given in the said several and respective Cases to double the Sums provided by the aforesaid Act, if he or they, upon the Circumstances of the Case shall think fit.

And whereas, for Want of a sufficient Fund for defraying the Charges of apprehending Criminals in *North Britain*, and of subsisting them when apprehended, until Prosecution, and of carrying

carrying on the necessary Prosecutions against them, it often happens, that Criminals there escape the Punishment due to their Offences; for preventing of which Inconvenience for the future be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Freeholders of every Shire, County, or District in *North Britain*, to assess the several Shires or Stewartries, where their Estates lie, at their Meetings at any of the Head Courts, Yearly, in such Sums as they shall judge reasonable and sufficient for the Purposes aforesaid; and that such Monies, so from Time to Time to be assessed, shall be collected, received, and accounted for by such Person and Persons, and in such manner, as such Freeholders shall from Time to Time appoint, and shall be applied for defraying the Charges of apprehending of Criminals, and of subsisting of them in Prison until Prosecution, and of prosecuting such Criminals for their several Offences by due Course of Law, and to and for no other Use or Purpose whatsoever.

How the
Charges of
apprehend-
ing Crimi-
nals, &c.
shall be de-
frayed.

Provided always, and it is hereby Enacted and Declared by the Authority aforesaid, That so much of this Act, and of all and every the Clauses and Provisoos herein contained, which are mentioned, or intended to put a stop to, and

Continuance
of the Act.

and for preventing for the future the Mischiefs in this Act first recited, and which concern and relate to the summoning and disarming the Persons herein before mentioned and intended to be disarmed, shall be, remain, and continue in full Force and Virtue, for and during the full Term of Seven Years, and from thence to the end of the then next Session of Parliament, and no longer; Any Thing herein before said, or contained to the contrary in any wise notwithstanding.

F I N I S.

